

Committee on Criminal Jurisprudence.

Adjournment.

On motion of Senator Greer, the Senate, at 4 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 48 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 239, A bill to be entitled "An Act renewing and extending oil and gas permit number 13594 issued by the Commissioner of the General Land Office of the State of Texas on the 23rd day of August, A. D. 1928, covering forty seven (47) acres of land, in the bed of the Neches River, located in Anderson and Cherokee Counties, Texas, for an additional period of two years from and after the present date of expiration of said permit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

PARRISH, Chairman.

Committee Amendment No. 1.

Amend the caption to S. B. No. 239, beginning in line 8 thereof, after the word "Texas," by striking out the words "for an additional period of two years from and after the present date of expiration of said permit." and inserting in lieu thereof the following words: "so that the date of expiration of said permit shall be January 1st, 1932."

PARRISH, Chairman.

Committee Amendment No. 2.

Amend Section 1 of S. B. No. 239, beginning in line 9 thereof, after the word "effect," by striking out the words "for a term and period of two years from and after August 23rd, 1930" and inserting in lieu thereof the following words: "until January 1st, 1932."

PARRISH, Chairman.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
February 12, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneil.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 351, A bill to be entitled "An Act to amend Article 1072 of the Code of Criminal Procedure of Texas, 1925, so as to provide for fees to sheriffs and constables in criminal cases, in case of acquittal or dismissal, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Williamson:

S. B. No. 352, A bill to be entitled "An Act fixing the maximum compensation which may be allowed for deputies and/or assistants to the sheriff, county clerk, district clerk, tax assessor and tax collector in counties with a population over 150,000 inhabitants and containing a city with a population of over 50,000 inhabitants according to the last United States census; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Williamson:

S. B. No. 353, A bill to be entitled "An Act to provide more adequate compensation for County Treasurers in counties of a population of not less than 250,000 and not more than 310,000 as shown by the last Federal Census of 1930, where the treasurer of such counties acts as paymaster for the county in addition to the regular duties as County Treasurer; and providing for the employment of an assistant for such treasurers; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Small:

S. B. No. 354, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Cousins:

S. B. No. 355, A bill to be entitled "An Act empowering the Texas Prison Board or other managing officers of said Institution to make all purchases for the Texas Prison System; providing the means thereof, and declaring an emergency."

Read and referred to Committee on Penitentiaries.

By Senator Cousins:

S. B. No. 356, A bill to be entitled "An Act making it a felony for State convicts to escape, or attempt to escape, from the State Penitentiary or other places of confinement; defining the same, and also for aiding or abetting the escape, of any convict; fixing the punishment, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 357, A bill to be entitled "An Act amending Section 121 of Article 8306 of the Revised Civil Statutes of the State of Texas of 1925 relating to the wages of an employee who was a minor when injured, and providing that any minor employed in any hazardous or other employment prohibited by the laws of this State, shall be entitled to receive compensation under the terms and provisions of the Workmen's Compensation Act, but that no person, firm or corporation shall be excused for employing any minor in any hazardous employment or other employment prohibited by any Statute of this State, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 358, A bill to be entitled "An Act amending Section 8 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to acts or decisions of the Industrial Accident Board and the admission as evidence of its proceeding when duly attested and sealed, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 359, A bill to be entitled "An Act amending Section 4 of Article 8307 of the Revised Civil Statutes of the State of Texas of 1925 relating to the administrative

authority of the Industrial Accident Board, to the examination of any employee by a physician or physicians of the Board or of the Association at reasonable times and places, and authorizing the Board to subpoena witnesses, administer oaths, inquire into matters of fact, punish for contempt, examine records of parties to a proceeding, and to bar persons guilty of unethical or fraudulent conduct from practicing before the Board, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 360, A bill to be entitled "An Act amending Section 12d of Article 8306 of the Revised Civil Statutes of the State of Texas of 1925, relating to the review of awards made by the Industrial Accident Board upon a change of condition, mistake or fraud within the compensation period, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 361, A bill to be entitled "An Act amending Section 19 (Section I) of Article 8306, Revised Civil Statutes of the State of Texas of 1925 relating to compensation to an employee who has been hired in this State and sustains an injury outside of the State, fixing the jurisdiction of suits filed under this section, providing that such injury shall have occurred within one year from the date such injured employee leaves this State and that no recovery shall be had if the employee has elected to pursue his remedy and recover in the State where such injury occurred and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 362, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public schools interests of Texas, of aiding the people to provide adequate school facilities for the education of their children, of lengthening the term of the schools throughout the State and equalizing educational opportunities

for all of the children therein by the appropriation of five million dollars for the fiscal year ending August 31, 1932, and five million dollars for the fiscal year ending August 31, 1933, and allowing the State Board of Education and the State Superintendent of Public Instruction to aid the public schools in accordance with the conditions herein specified; providing for certain prerequisites for the granting of such aid; etc., and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Parr:

S. B. No. 363, A bill to be entitled "An Act to provide for the sale to Port Isabel Channel, Dock & Wharf Company of certain submerged land under the waters of Laguna Madre in Cameron County, Texas, adjacent to the City of Port Isabel, etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Russek:

S. B. No. 364, A bill to be entitled "An Act to create Road District No. 11 of Fayette County, Texas, conferring powers, privileges and duties generally conferred upon such districts; authorizing the holding of elections to vote and issue bonds, levy and collect taxes for the purpose of construction and maintenance of macadamized, gravel or paved roads and turnpikes, or in aid thereof; authorizing said district to have all powers, authority and privileges conferred by law on such districts, especially under Chapter 16 of the General Laws of the Thirty-ninth Legislature at its First Called Session; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Small:

S. B. No. 365, A bill to be entitled "An Act to create a court to be known as the County Court of Potter County at Law; to define the jurisdiction of said court, and making the jurisdiction concurrent with the jurisdiction of the justice court in all causes, civil and criminal; to fix the terms thereof; to provide a clerk to be appointed by the County Clerk of Potter County, and fix his salary; to fix the qualifications, bond and salary, and provide for the appoint-

ment, election or removal of the judge thereof; to provide for the transfer of any cases and appeal therefrom, now pending in the County Court of Potter County to said court hereby created, and to provide for appeals from inferior courts to the court hereby created; providing for a special judge; for the distribution of fees, for a seal of said court, and prescribing the duties of the sheriff and county attorney in relation to said court; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Hardin:

S. B. No. 366, A bill to be entitled "An Act amending Section 29, Article 199, Title 8 of the Revised Civil Statutes of 1925, providing for the changing and fixing the times of holding the courts in the Twentieth Judicial District of Texas, and validating and continuing processes, and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the district court which may now be in session until its term expires by law, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Greer:

S. B. No. 367, A bill to be entitled "An Act providing relief for the Frost Independent District of Navarro County, Texas, in order to aid said school district in rebuilding its properties and equipping its schools destroyed by the cyclone which struck the community of Frost on May 6, 1930; making an appropriation to said district for said purpose and for the maintenance of its schools and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodruff (by request):

S. B. No. 368, A bill to be entitled "An Act renewing and extending oil and gas permit Number 14344, issued by the Commissioner of the General Land Office of the State of Texas on the 29th day of March, A. D., 1929, covering 660 acres of land, in the bed of the Brazos River, located in Palo Pinto County, Texas, for an

additional period of two years from and after the present date of expiration of said permit, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 369, A bill to be entitled "An Act to amend Section 2 of Article 1302a of the Acts of the Forty-first Legislature providing that all corporations having a capital stock of not less than fifty thousand (\$50,000) dollars chartered under subdivision 57, Article 1302a of the Revised Statutes of Texas, 1925, and doing business in Texas, of February 27, 1929, may continue in business by confining its writing of title policies to property located in the county of its domicile."

Read and referred to Committee on Civil Jurisprudence.

By Senator Cousins:

S. B. No. 370, A bill to be entitled "An Act to amend Article 3902 of the Revised Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 92, page 225, providing for the appointment and compensation of first assistants, heads of departments, other assistants, stenographers, clerks and investigators, in the office of the county attorney, in any county having a population of more than 130,000 and less than 150,000 inhabitants, as shown by the latest United States census, and containing two cities of 50,000 or more population, each, as shown by said census, said county composing two or more judicial districts, and having no district attorney, by adding Section 3902e; repealing all laws and parts of laws in conflict with the amendment herewith provided for, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Woodward and Berkeley:

S. B. No. 371, A bill to be entitled "An Act providing for and directing the taxation of mineral rights in public school lands sold by the State with a mineral reservation against the owner while said lands are under lease by the owner of the soil as the State's agent, providing the means and manner thereof, and for back

assessments and collections, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 372, A bill to be entitled "An Act to amend Article 4736, Revised Civil Statutes of Texas, providing that attorneys' fees recoverable for the prosecution and collection of unpaid losses under life and accident, health and accident and life, health and accident insurance policies shall be taxable as costs in suits filed thereon; and that in arriving at such reasonable attorneys' fees, the court shall consider benefits to accrue on such policies on account of such suit; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 373, A bill to be entitled "An Act providing for a supervisor, or supervisors in lieu of the county teachers' institute, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Loy:

S. B. No. 374, A bill to be entitled "An Act further regulating the use of, the operation of motor and other vehicles over, the highways of this State, and regulating the transportation of persons and property thereon for hire or compensation; defining motor carriers and contract carriers and other terms, and making such carriers subject to regulation by the Highway Department and Railroad Commission, providing for the issuance of certificates of convenience and necessity to carriers for hire; providing for the issuance of permits and licenses to certain vehicles and motor vehicles and the owners thereof, and for the revocation thereof; providing for the consideration of present transportation facilities, and other matters, before the issuance thereof; making exceptions; prescribing and regulating widths, lengths, weight of, speed, hours of operation, and generally the means and manner of the operation, equipping, stopping and loading of vehicles on certain highways, excepting incorporated cities and towns in

certain cases; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Hardin:

S. B. No. 375, A bill to be entitled "An Act creating the Division of Child Welfare in the Board of Control; empowering the Board of Control to employ a Chief and necessary assistants; prescribing qualification of the chief; defining the duty of the Division as to defective, illegitimate, dependent, neglected and delinquent children through enforcement of all state laws in regard thereto; vesting authority for payment of all expenses; providing for county welfare boards and describing their duties; outlining said county board relations to county officers and agencies; describing methods to be employed by Board of Control in importation and exportation of minors, declaring penalty for violation of such provision; providing for licensing, visiting and inspection of individuals, agents and institutions handling children, vesting authority in board as to charter for such purposes; imposing duty Child Welfare Division as to certain Eleemosynary Institutions and their policies; declaring children receiving aid through the Board of Control as wards of the state and outlining custody and guardianship of same; saving clause, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Stevenson:

S. B. No. 376, A bill to be entitled "An Act amending Article 6869 by adding thereto another section to be known as Article 6869-B, providing that in counties of not less than 23,000 population and not more than 24,000 population, according to the 1930 Federal Census, not more than two deputy sheriffs may be paid a salary by the Commissioners' Court not to exceed \$100.00 per month; prescribing the means and manner, and declaring an emergency."

Read and referred to Committee on State Affairs.

Executive Session Postponed.

On motion of Senator Pollard, the executive session set for 10:30 o'clock this morning was postponed indefinitely.

Simple Resolution No. 42.

Senator Gainer sent up the following resolution:

Be It Resolved by the Senate of Texas that an electric Burroughs adding machine be purchased at a cost not to exceed the sum of Two Hundred Forty-five Dollars (\$245), for the use of the Senate.

GAINER.

The resolution was read.

On motion of Senator DeBerry, the resolution was laid on the table subject to call.

Simple Resolution No. 43.

Senator Woodward sent up the following resolution:

Whereas, under the amendment to the Constitution recently adopted, the public expects public hearings to be held by the several standing committees of the Senate on major legislation during the next thirty days of this Regular Session; and,

Whereas, practically all bills of a general nature have already been introduced in both Houses; and,

Whereas, in order for the several standing committees of the Senate to have ample time within which to hold public hearings during the next thirty days, it is necessary that open sessions of the Senate be confined to short periods during the next thirty days.

Therefore, Be It Resolved By The Senate that it is the sense of the membership that beginning Monday, February 16th, the Senate should convene at 10 o'clock a. m. on each Monday, and should adjourn at noon until ten o'clock the following Wednesday, and on each Wednesday should adjourn until the following Friday at ten o'clock and should adjourn at noon on each Friday to the following Monday at ten o'clock; that no open sessions of the Senate should be held on Tuesday, Thursday and Saturday of each week.

And Be It Further Resolved that a copy of this resolution be transmitted to the House of Representatives to the end that the Speaker and the members thereof may be advised as to the days of each week the Senate is likely to set apart for open sessions.

Be It Further Resolved that this resolution is not to be construed as a fixed rule of the Senate, nor is it intended as an amendment to the rules but it is to be construed as the sense of the membership with respect to matters and things herein provided.

WOODWARD.

The resolution was read.

Senator Greer sent up the following substitute:

Substitute for the pending Resolution the following:

It is hereby resolved to be the sentiment of the Senate that during the second thirty days of this session that the session of the Senate should be short in order to devote more time to deliberation of the various committees and it is hereby resolved that general sessions be held each morning and the adjournment be set promptly at twelve o'clock each day.

GREER.

The substitute was read.

Senator DeBerry raised the point of order that the substitute for the resolution, if adopted, would constitute an amendment to the rules of the Senate.

The Chair sustained the point of order.

Senator Greer withdrew the original substitute and sent up the following substitute:

Substitute for the pending resolution the following:

It is hereby resolved to be the sense of the Senate that during the second thirty days of this session that the sessions of the Senate should be short in order to devote more time to deliberations of the various Committees and it is hereby resolved that general sessions be held each morning and that adjournment be set promptly at twelve o'clock each day.

GREER.

The substitute was read and adopted by the following vote:

Yeas—19.

Beck.
Berkeley.
DeBerry.
Gainer.
Greer.

Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.

Oneal.
Parr.
Parrish.
Poage.
Pollard.

Purl.
Rawlings.
Russek.
Woodruff.

Nays—7.

Cunningham.
Hardin.
Moore.
Neal.

Stevenson.
Williamson.
Woodward.

Absent.

Cousins.
Patton.
Small.

Thomason.
Woodul.

Senator Woodward sent up the following amendment:

Amendment to the substitute:

Provided however that on Mondays, Wednesdays, and Fridays of each week the Senate should adjourn immediately after the morning prayer following the morning roll call.

WOODWARD.

The amendment was read.

Senator Purl raised the point of order that this amendment amounted to an amendment of the rules.

The Chair overruled the point of order.

Senator Woodruff moved to lay the resolution and the amendment on the table subject to call.

Senator Woodruff withdrew his motion.

Senator Woodruff moved the previous question on the adoption of the amendment and the substitute. The motion prevailed.

The amendment was lost by the following vote:

Yeas—11.

Beck.
Holbrook.
Hopkins.
Moore.
Neal.
Rawlings.

Stevenson.
Thomason.
Williamson.
Woodruff.
Woodward.

Nays—17.

Berkeley.
Cousins.
Cunningham.
DeBerry.
Greer.
Hornsby.
Loy.
Martin.
Oneal.

Parr.
Parrish.
Patton.
Poage.
Purl.
Russek.
Small.
Woodul.

Absent.

Gainer.
Hardin.

Pollard.

The resolution as substituted was adopted by the following vote:

Yeas—26.

Beck.
Berkeley.
Cousins.
Cunningham.
Gainer.
Greer.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Purl.
Russek.
Small.
Stevenson.
Thomason.
Woodruff.
Woodul.
Woodward.

Nays—3.

DeBerry.
Rawlings.

Williamson.

Absent.

Hardin.

Pollard.

Senate Bill No. 199 Re-referred.

On motion of Senator Cunningham, S. B. No. 199 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

Senate Bill No. 217.

Senator Holbrook moved to suspend the Constitutional rule relating to the passage of bills during the first 60 days. The motion prevailed by the following vote:

Yeas—30.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Pollard.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 217, A bill to be entitled "An Act to amend Chapter 8, page 12 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, changing the time of holding the terms of the District Court of the 23rd Judicial District of Texas, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a unanimous vote.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. 217 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.

Stevenson.
Thomason.
Williamson.

Woodruff.
Woodul.
Woodward.

Absent—Excused.

Pollard.

Senate Bill No. 166.

Senator Beck called up from the table the following bill:

By Senator Beck:

S. B. No. 166, A bill to be entitled "An Act making certain appropriations out of the General Revenues of the State of Texas for the several institutions and departments of State Government as named herein for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

The bill was read.

Senator Purl sent up the following amendment:

Amend S. B. No. 166 printed in Senate Journal, page 148 by adding the following:

Provided that the sums of monies mentioned herein shall be used for salaries only and that no salary for any teachers or employee in connection with summer schools mentioned herein shall be supplemented out of any local funds of such schools.

PURL.

The amendment was read.

Recess.

Senator Stevenson moved to recess until 2 o'clock p. m.

Senator Greer moved to recess until 10 o'clock tomorrow morning. The motion was lost.

The motion to recess until 2 o'clock prevailed by the following vote:

Yeas—16.

Berkeley.	Parrish.
Cousins.	Purl.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Nays—12.

Beck.	Moore.
Cunningham.	Oneal.
DeBerry.	Patton.
Greer.	Poage.
Hopkins.	Rawlings.
Martin.	Thomason.

Absent.

Loy.

Williamson.**Absent—Excused.****Pollard.**

At 12:10 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 166.

The question recurred upon the pending amendment to S. B. No. 166.

Senator Moore moved to table the amendment. The motion prevailed by the following vote:

Yeas—19.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	

Nays—11.

Cunningham.	Oneal.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hornsby.	Woodward.
Loy.	

Absent—Excused.

Pollard.

Senator Purl sent up the following amendment:

Amend S. B. No. 166 by adding the following: "Providing that no teacher's or employee's salary shall be raised above what it is at the present time during the summer school, 1931," and amend the caption to conform.

PURL,
LOY,
POAGE,
DeBERRY.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 166 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Poage.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—3.

Cunningham.	Poage.
DeBerry.	

Absent.

Loy.

Absent—Excused.

Pollard.

Reasons for Vote.

I voted against Senate Bill No. 166 not because I am against a liberal appropriation for summer schools, but because I think that the aggregate should be lowered and

that it would be futile at this time to try to cut down the aggregate and further recognizing that the House intends cutting same and I intend to vote for what I think is a liberal appropriation if the free conference bill is so written.

DeBERRY.

Reason for Vote.

I vote "no" on the passage of S. B. No. 166 for the reason that the sums appropriated are greatly in excess of the sums actually spent by these schools last summer. There is no reason to believe that the enrollment in these schools will be larger this year than last year. Our people do not have the funds to attend these schools and I do not believe that the Legislature should at this time increase the appropriations of last year.

POAGE.

Resolution Signed.

The Chair, President Pro Tem, Carl Hardin, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 11.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.
Austin, Texas, Feb. 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 41, by a vote of 112 ayes and 1 nay.

Hall of the House of Representatives.
Austin, Texas, Feb. 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 21: Relative to representation by Texas in the World Fair at Chicago during 1933, which has been christened a "Century of Progress Exposition."

Respectively submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Signed.

The Chair, Lieut. Gov. Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 41.

Senate Bill No. 40.

Senator Williamson moved to suspend the constitutional rule relating to the passage of general bills during the first 60 days. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

The Chair laid before the Senate on its second reading the following bill:

By Senator Williamson:

S. B. No. 40, A bill to be entitled "An Act to amend Article 1434, Chapter 8, Title 17, Penal Code of Texas, 1925, as amended by Chapter 77, Acts of the First Called Session of the Fortieth Legislature, and amending Article 1435, Chapter 8, Penal Code of Texas, 1925, and declaring an emergency."

Read second time.

On motion of Senator Williamson, the bill was laid on the table subject to call.

Senate Bill No. 53.

Senator Woodward moved to suspend the constitutional rule relating to the passage of general bills during the first 60 days. The motion prevailed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 53, A bill to be entitled "An Act authorizing defendants in felony cases less than capital offenses, upon entering a plea of guilty and with the consent and approval of the court and the State's attorney, to waive the right of a trial by a jury and to be tried by the court; amending Articles 11, 12 and 658 of the Code of Criminal Procedure of the State of Texas so as to make them conform to such right, enacting an article to be known as Article 776a Code of Criminal Procedure, so as to permit the court under certain conditions and in certain cases to suspend the sentence of the defendant, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read second time.

Senator Martin sent up the following amendment:

Amend S. B. No. 53, Article 12, Section 3, line 8, by striking out the words "and the State's attorney."

MARTIN.

Read and lost by the following vote:

Yeas—10.

Beck.	Patton.
Cousins.	Russek.
Cunningham.	Small.
Hopkins.	Stevenson.
Martin.	Thomason.

Nays—17.

Berkeley.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Hardin.	Woodruff.
Holbrook.	

Absent—Excused.

Pollard.

Senator Martin sent up the following amendment:

Amend S. B. No. 53, Section 3, Article 12, line 9, by adding after the word "jury" the following; "Provided, however, that it shall be necessary for the State to introduce evidence into the record showing the guilt of the defendant and said evidence shall be accepted by the court as the basis for its verdict, and in no event shall a person charged to be convicted upon his plea of guilty without sufficient evidence to support the same."

MARTIN.

Read and adopted.

Senator Hopkins sent up the following amendment:

Amend S. B. No. 53 by adding thereto a new section to read as follows, viz:

"Section 3a. Article 689 of the Penal Code of the State of Texas is hereby amended so as to hereafter read as follows, to-wit:

'Any person who violates any provision of the preceding articles of this chapter shall be confined in the penitentiary for not less than one nor more than five years'."

HOPKINS .

The amendment was read.

Senator Woodward raised the point of order that the amendment was not germane to the bill.

The Chair, Lieutenant Governor Edgar Witt, sustained the point of order.

Senator Oneal sent up the following amendments:

Amend S. B. No. 53 by adding after the word "State" in line 25 on page 1 of the printed bill, the words: "Provided that said consent and approval by the court shall be entered of record on the minutes of the court and the consent and approval of the attorney representing the State shall be in writing, duly signed by said attorney and filed in the papers of the cause before the defendant enters his plea of guilty."

ONEAL.

Read and adopted.

Amend S. B. No. 53 by inserting after the word "attorney" in line 8, page 2 of the printed bill, the words: "As provided in Section 1 of this Act, (Article 10a of Code of Criminal Procedure of the State of Texas)."

ONEAL.

Read and adopted.

Amend S. B. No. 53 by adding at the end of Section 3, line 9, page 2, of the printed bill, following the amendment by Senator Martin, the words: "In all cases where the defendant has entered a plea of guilty and waived his right of trial by jury the court shall permit testimony as to whether or not the defendant has theretofore been convicted of any felony in this or in any other state."

ONEAL.

Read and adopted.

Senator Small moved to reconsider the vote by which the amendment was adopted. The motion prevailed.

The amendment was lost by the following vote:

Yeas—3.

Oneal. Poage.
Parrish.

Nays—25.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Present—Not voting.

Thomason.

Absent.

Beck.

Absent—Excused.

Pollard.

Senator Parrish sent up the following amendment:

Amend S. B. No. 53 by adding a section thereto, and changing the caption to conform therewith, so as to include the following:

"Provided, that the defendant cannot waive the right of his trial by jury unless he has an attorney to defend him and the written consent of his attorney to the waiving of this right."

PARRISH.

Read and lost by the following vote:

Yeas—14.

Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Hardin.	Purl.
Hopkins.	Russek.
Martin.	Thomason.
Parr.	Woodruff.

Nays—14.

Berkeley.	Neal.
DeBerry.	Rawlings.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodul.
Moore.	Woodward.

Absent.

Beck. Oneal.

Absent—Excused.

Pollard.

Senator Martin sent up the following amendment:

Amend S. B. No. 53, Section 1, page 1, by striking out all of said Section 1, from the word "court" next to the last word in line No. 23, to the end of the Section No. 1.

MARTIN.

The amendment was read.

Senator Woodward raised the point of order that the object sought

to be obtained by this amendment had already been considered in a previous amendment and rejected.

The Chair overruled the point of order.

Senator Oneal raised the point of order that his first amendment which had already been adopted covered the same subject matter involved in this amendment and was directly contrary; therefore, this amendment was out of order.

The Chair sustained the point of order.

Senator Martin moved to reconsider the vote by which Senator Oneal's first amendment was adopted.

Recess.

Senator Hornsby moved to recess until 10 o'clock tomorrow morning. The motion prevailed and, at 5:25 o'clock p. m., the Senate recessed.

APPENDIX.

Petitions and Memorials.

Houston, Texas,
Feb. 11, 1931.

Senate Chamber, Austin, Texas.

Sir: I desire through you to express to the Senate on behalf of my family and myself, our grateful appreciation of its action in unanimously adopting by a rising vote Simple Resolution No. 31, honoring our deceased brother, Wm. C. Hogg. We will always cherish this resolution.

Respectfully yours,
MIKE HOGG.

Committee on Engrossed Bills.

Committee Room,
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 172 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 115

carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 56 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred

S. B. No. 111, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925, and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred

S. B. No. 178, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32, Revised Civil Statutes of 1925 by adding to subdivision 89, authorizing the incorporation for the purpose of supplying water and sewerage service and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred

S. B. No. 156, A bill to be entitled "An Act to provide for acquiring of title from Goliad County and the City of Goliad to certain lots and blocks of land, being parts of the

four league grant from the State of Coahuila and Texas to the Town of Goliad; and providing for fencing, beautifying and improving said land, the same to be designated by name as "Goliad State Park"; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 136, A bill to be entitled "An Act amending Subdivision 2 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for changing and prescribing terms and times of holding the Courts in the Second Judicial District of Texas; providing for and declaring an emergency, and providing time for this Act to take effect."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 217, A bill to be entitled "An Act to amend Chapter 8, page 12 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, changing the time of holding the terms of the District Court in the 23rd Judicial District of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 126, A bill to be entitled "An Act to amend Chapter 115, Section 1 of the Acts of 1929, 41st Legislature so as to increase the number of members on the Board of Nurse Examiners from five to six; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with attached Committee Amendment.

BERKELEY.

Committee Amendment.

Amend S. B. No. 126, Section 1, line 14 thereof, by striking out the word "teaching," which appears between the word "years" and the word "experience."

Committee Room,

Austin, Texas, Feb. 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 43, A bill to be entitled "An Act authorizing the appointment of an investigator in Tom Green County, Texas, by the District Attorney of the 51st Judicial District; fixing the compensations of such investigator and the amount of expenses allowed him, and providing a method for the payment thereof; declaring an emergency."

Have had the same under consideration, and I am instructed to re-recommendation that it do pass and port it back to the House with the recommendation that it do pass and be printed in the Journal.

PATTON, Chairman.

By Metcalfe.

H. B. No. 43.

A BILL

To Be Entitled

An Act authorizing the appointment of an investigator in Tom Green County, Texas, by the District Attorney of the Fifty-first Judicial District; fixing the compensation of such investigator and the amount of expenses allowed him, and providing a method for the payment thereof; declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the District Attorney of the Fifty-first Judicial District of Texas is authorized, upon

a certificate by the Judge of the District Court of said Judicial District that in his opinion such investigator is needed and upon approval of the Commissioners' Court of Tom Green County, to appoint one special investigator, at a salary of not more than \$2400.00 per year to be fixed Tom Green CoCounty; and, said investigator shall be allowed and paid his reasonable expenses incurred in the performance of his duties not to exceed \$600.00 per year. Said salary and expense shall be paid monthly as it accrues by the Commissioners Court of Tom Green County, Texas, upon the certificate of said District Attorney, out of a fund which such Commissioners' Court shall provide for that purpose.

Sec. 2. The fact that the criminal docket of the District Court of Tom Green County is congested, and by reason of not having an investigator to assist him, the district attorney is seriously handicapped in the performances of his duties, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days be suspended, be and the same is hereby suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

Finance Subcommittees.

Subcommittee on Educational Bill: W. E. Thomason, Chairman; Joe. M. Moore, Benjamin F. Berkeley, Charles S. Gainer, H. Grady Woodruff, Pink L. Parrish, and Archie Parr.

Subcommittee on Eleemosynary Institutions: Carl C. Hardin, Chairman; John W. Hornsby, Walter C. Woodward, Walter Woodul, W. A. Williamson, W. R. Cousins, and Thomas G. Pollard.

Subcommittee on Departmental Bill: Tom DeBerry, Chairman; George C. Purl, W. K. Hopkins, Julian Greer, Clint Small, and Nat Patton.

Committee on Claims and Accounts: Carl C. Hardin, Chairman; George C. Purl, Tom DeBerry, H. Grady Woodruff, Benjamin F. Berkeley, Charles S. Gainer, and W. E. Thomason.

TWENTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas.
February 13, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar Witt.

Senate Bill No. 53.

The question recurred upon the motion to reconsider the vote by which Senator Oneal's first amendment to S. B. No. 53 was adopted. The motion to reconsider prevailed by the following vote:

Yeas—14.

Beck.	Rawlings.
Cousins.	Russek.
Holbrook.	Small.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Neal.	Woodul.
Patton.	Woodward.

Nays—10.

Greer.	Parr.
Hardin.	Parrish.
Loy.	Poage.
Moore.	Purl.
Oneal.	Thomason.

Absent.

Berkeley.	Gainer.
Cunningham.	Martin.
DeBerry.	Stevenson.

Absent—Excused.

Pollard.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Oneal.
Berkeley.	Parr.
DeBerry.	Parrish.
Greer.	Poage.
Hardin.	Russek.
Holbrook.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	